

REMARKS

I. Introduction

Claims 11-12, 15-18 and 20 are currently pending after cancellation of claims 13 and 19. Claim 11 has been amended to more clearly define the present invention; amended claim 11 incorporates the features previously recited in claims 13 and 19. These amendments do not add any new matter.

II. Rejection of claims under 35 U.S.C. §103(a)

Claims 11-13, 16 and 19-20

Claims 11-13, 16 and 19-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over “WATMNet: A Prototype Wireless ATM System for Multimedia Personal Communication,” by Raychaudhuri et al. (hereinafter referred to as “Raychaudhuri”) in view of U.S. Patent No. 5,815,501 issued to Gaddis et al. (hereinafter referred to as “Gaddis”). Claims 13 and 19 have been deleted. Applicants respectfully submit that the rejection should be withdrawn because the combination of Raychaudhuri and Gaddis fails to teach or suggest each of the claimed limitations of pending claims 11-12, 16 and 20.

For a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must disclose or suggest each feature of the claim, and it must also suggest combining the features in the manner contemplated by the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934

(Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 ; In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990).

Raychaudhuri is directed to a wireless ATM system that facilitates multi-media personal communication. In accordance with the Raychaudhuri system, using a WATMnet network interface in conjunction with a WATMnet base station, data is readily transmitted to mobile devices (or mobile personal terminal). Raychaudhuri describes an extended ATM Protocol architecture, including wireless channel specific MAC, DLC and wireless control layers into the ATM stack. Raychaudhuri also describes wireless control messages being transmitted in-band within data link frames. These control messages are “scheduled by the datalink process.”

Gaddis describes an ATM-Ethernet portal connector that permits Ethernet communication across an ATM network, thereby providing remote connectivity for Ethernet segments. Figure 6 of Gaddis illustrates the format of the ATM payload field for each segment. Included in the payload segment is a size field that is a six bit field indicating the number of meaningful bytes in a segment data field. Gaddis further provides that for all segments, except a final segment, the size field has a value of forty-four (44). Based on this information, the length (in bytes) of useful data may be calculated.

As applied against claim 11, the combination of Raychaudhuri and Gaddis fails to teach or suggest a method for transmitting data packets that

includes, *inter alia*, “**stipulating** between the master station and the one of the subscribers that the **at least one of the containers for useful data packets** in the transmission frame **is filled with a plurality of control data packets that are transmitted together**, wherein at least one of the plurality of control data packets includes information regarding the content of a subsequent container for useful data packets, and **wherein the information regarding the content specifies which subsequent containers for useful data packets are filled with control data packets**,” as explained in further detail below.

Regarding the claimed feature “stipulating between the master station and the one of the subscribers that the at least one of the containers for useful data packets in the transmission frame is filled with a plurality of control data packets that are transmitted together,” neither Raychaudhuri nor Gaddis discloses any such stipulation between a master station and a subscriber. Raychaudhuri merely discloses transmitting the information and wireless control messages. Raychaudhuri provides for channel delineations for facilitating the transmission itself. The wireless control message discussed on page 475, second column, and illustrated in the accompanying Figure 8, does not teach or suggest any stipulation between different elements. The wireless control message, while being transmitted in-band within data link frames, serves the wireless control protocol described on page 475, which is a completely different operation than the claimed “stipulation.” The protocol of Raychaudhuri provides for communication hand-off between different base stations, but the protocol is

not directed to a particular content-type of any transmission. Similarly, Gaddis merely provides for the identification of channels/paths for multi-point connection, but Gaddis does not teach any stipulation between opposing Ethernet connections.

Regarding the claimed feature of claim 11 that “at least one of the plurality of control data packets includes information regarding the content of a subsequent container for useful data packets, and **wherein the information regarding the content specifies which subsequent containers for useful data packets are filled with control data packets,**” neither Raychaudhuri nor Gaddis discloses any such information. On Page 3, the second full paragraph, of the present Office Action, the Examiner asserts that Gaddis teaches a second field for a number of subsequent containers based on the VCI, connection identifier and size field. As discussed above, this size field only indicates the number of meaningful bytes and does not provide any indication regarding the contents of a container for useful data. Furthermore, Gaddis does not even address content information for subsequent containers. On page 3, second full paragraph, of the Office Action, the Examiner asserts that it would have been obvious to add a second field for a number of subsequent containers. Applicants respectfully submit that the Examiner’s conclusion is not supported by Gaddis, since Gaddis doesn’t address identifying content information for any container, let alone for a subsequent container.

For at least the foregoing reasons, the combination of Raychaudhuri and Gaddis fails to teach or suggest the claimed invention of claim 11, and therefore claim 11 is in allowable condition. Since claims 12, 16 and 20 depend on claim 11, these claims are similarly patentable over the combination of Raychaudhuri and Gaddis.

Claims 15 and 18

Claims 15 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Raychaudhuri in view of Gaddis and further in view of GB 2,254,529 (“Perry”).

Claims 15 and 18 are dependent on claim 11. In addition, Perry fails to remedy the deficiencies of Raychaudhuri and Gaddis as applied against parent claim 11. Accordingly, Applicants submit that dependent claims 15 and 18 are patentable over the combination Raychaudhuri, Gaddis and Perry.

Claim 17

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Raychaudhuri in view of Gaddis and further in view of U.S. Patent No. 6,389,031 (“Chao”).

Claim 17 is dependent on claim 11. In addition, Chao fails to remedy the deficiencies of Raychaudhuri and Gaddis as applied against parent

claim 11. Accordingly, Applicants submit that dependent claim 17 is patentable over the combination Raychaudhuri, Gaddis and Chao.

III. Conclusion

In light of the foregoing, Applicants respectfully submit that all pending claims 11-12, 15-18 and 20 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

The Office is authorized to charge the \$1,020 fee for a three-month extension of time to respond to the Office Action of February 25, 2005 to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

 (P. No. 36,197)

Dated: August 5, 2005

By: Jong Lee for Richard Mayer
Richard L. Mayer
Reg. No. 22,490

One Broadway
New York, NY 10004
(212) 425-7200

CUSTOMER NO. 26646